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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/525,864

02/25/2005

Mark Hanlon

100918.0001US

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34284

7590

05/20/2008

Rutan & Tucker, LLP.

611 ANTON BLVD

SUITE 1400

COSTA MESA, CA 92626

EXAMINER

LANGDON, EVAN H

ART UNIT

PAPER NUMBER

3654

MAIL DATE

DELIVERY MODE

05/20/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/525,864	Applicant(s) HANLON, MARK	
	Examiner EVAN H. LANGDON	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 April 2008 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 16-19 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation “different first and second drive rollers having first and second fabric panels” was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification describes one drive tube 242 and two idler tubes 248 (Spec. at 3 lines 24-26 and at 4 lines 14-16).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Enchos (US 2002/0185637 A1).

In regards to claims 13, 21 and 22, Enchos discloses a ceiling mounted lift, comprising:
a support frame housing 1028 having a length and a width; the frame housing a double fabric panel drive assembly 824 with first and second panels 1012 oriented parallel to the length of the frame, but disposed in different planes (the planes of the drive rollers are perpendicular to the length of the frame), the panels cooperating to raise and lower a lifting platen 1034 using a drive roller 1014; and

the support frame housing sized and dimensioned to stow substantially above a ceiling surface 36 (Fig. 1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3654

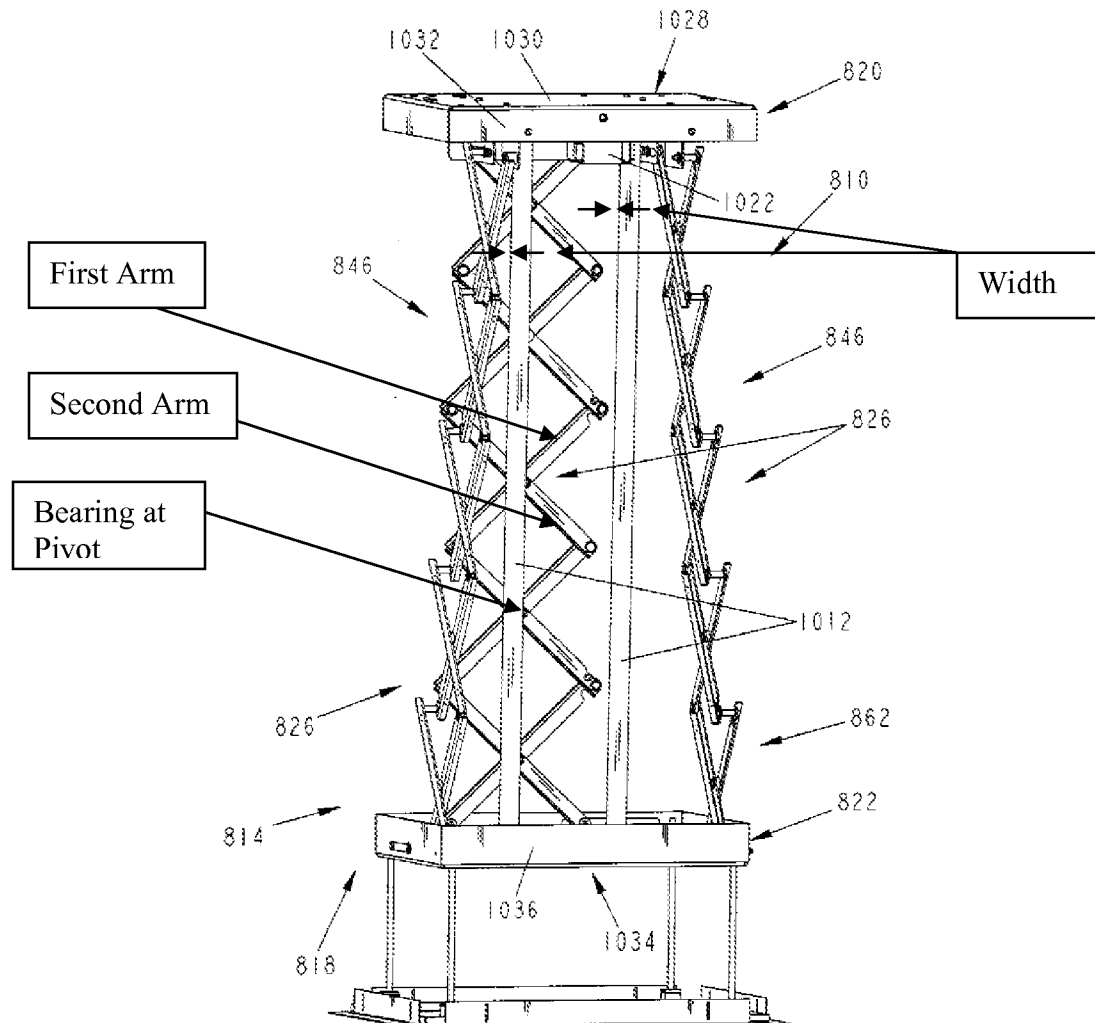
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4, 6, 9-12, 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enchos (US 2002/0185637 A1) in view of Campbell (US 6,161,702).

In regards to claims 1 and 17, Enchos discloses a ceiling mounted lift, comprising:

a support frame 1028 housing a double fabric panel drive assembly 824 (Fig. 31) with first and second panels 1012 the panels driven by a drive roller 1014 cooperating to raise and lower a lifting platen 1034; and

a stabilizer 826 having a first arm and a second arm (Fig. 32 and 36, see below), such stabilizer disposed between the support frame 1028 and the lifting platen 1034, and disposed relative to the panels to prohibit motion in all but one plane.



Campbell teaches a lifting assembly having first and second panels (straps) 9, 10 driven by a single drive roller where each of the panels are disposed on separate rollers 13, 15 (fig. 2 and 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the lifting assembly of Enchos to include first and second spaced rollers as suggested by Campbell, to space the lifting panels to better stabilize the lifting platen.

In regards to claims 2, Enchos as modified by Campbell teaches the stabilizer comprises a bearing at a pivot (see above, Fig. 39) joining the first and second arms.

In regards to claim 4, Enchos as modified by Campbell teaches all movement of the stabilizer is substantially planar.

In regards to claim 6, Enchos as modified by Campbell teaches the drive mechanism comprises a double fabric drive roller 1014.

In regards to claims 9 and 10, Enchos as modified by Campbell teaches a home theater component comprising a projector 12.

In regards to claims 11 and 12, Enchos as modified by Campbell teaches a device 12 lowered for maintenance wherein the device lowered for maintenance at least one of a light fixture 12 (light in side of projector, see paragraph 156).

In regards to claims 14, 15 and 20, Enchos as modified by Campbell teaches the ceiling mount having dimensions such that the lift can be mounted between ceiling joists, however, Enchos does not disclose specific values for the spacing between the ceiling joists and the spacing between the ceiling mounted lift and the ceiling joists. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use.

Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to dimension the lift such that the lift can be mounted between ceiling joists spaced 16 inches on center and the mount is dimensioned such that there is at least 2 inches spaced between the mount and the ceiling joist.

With respect to claims 18 and 19, Enchos as modified by Campbell does not disclose specific values for the lift distance and the maximum payloads. However, one of ordinary skill in the art is expected to routinely experiment with the parameters, especially when the specifics are not disclosed, so as to ascertain the optimum or workable ranges for a particular use.

Accordingly, it would have been obvious through routine experimentation and optimization, for one of ordinary skill in the art to have a lift distance of at least 50 feet and a maximum payload of at least 250 pounds.

In regards to claims 16, Enchos as modified by Campbell teaches a ceiling mounted lift, comprising: a support frame housing 1028 a drive assembly 824 that operates to raise and lower a lifting platen 1034 using a fabric drive roller 1014 having a fabric panel sufficiently wide to substantially prevent movement in a horizontal plane; and a ceiling panel 1045 (Fig. 34) held to the lift. The examiner takes official notice that it is common knowledge to use a spring loaded or any other suitable adjusting nut to attach the ceiling panel to the lift.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enchos as modified by Campbell, as applied to claim 1 above, and in further view of McCandless (US 1,435,017).

Enchos disclose a bearing at the pivot point, but fails to disclose the details of the bearing. McCandless teaches a bearing arrangement for a pivot joint having a first hardened washer 17 on a side of a bearing 10 and a second hardened washer 17 on an opposing side of the bearing.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the bearing arrangement of Enchos as modified by Campbell to include a first hardened washer on a side of a bearing and a second hardened washer on an opposing side of the bearing as suggested by McCandless, to provide an inexpensive way to efficiently connect two members (lines 13-24).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Enchos as modified by Campbell, as applied to claim 1 above, and in further view of Mayer (US 6,305,556).

Enchos discloses a ceiling mounted lift, but fails to disclose a wire management system. Mayer teaches a wire management system comprising a stabilizer 100 and a hole in the stabilizer (at 300, Fig. 3) and a tie wrap 318.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the stabilizer of Enchos to include a hole and a wire wrap as suggested by Mayer, to ensure the cables are secured and fold with the action of the arm (col. 1, lines 28-36).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Enchos as modified by Campbell, as applied to claim 1 above, and in further view of Anderson et al. (US 5,529,274).

Enchos fails to disclose the drive system controlled by a wireless transceiver. Anderson teaches a wireless remote controlled motor-driven drum 43, 49 to raise and lower a sign, having a wireless remote 15 and a transceiver 45, 47.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the control drive of Enchos to include a wireless controller as suggested by Anderson, to easily lower the ceiling mount for use or repair (col. 1, lines 37-38).

In regards to claim 8, Enchos as modified by Campbell and Anderson teaches the lift for use with a home appliance enter (Enchos)

Response to Arguments

Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection. The recitation "first and second panels disposed on separate rollers" necessitated the new grounds of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to EVAN H. LANGDON whose telephone number is (571)272-6948. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner
Art Unit 3654

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